

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter: 13
Case No.: 07-63184
Judge: Tucker

Peters, Thomas

Debtor(s)

DEBTOR'S POST CONFIRMATION PLAN MODIFICATION

Debtor, through counsel, Hammerschmidt, Stickrad & Associates, pursuant to F.R.Bankr.P.3015(g), summarizes the proposed modification as follows:

1. Debtor filed Chapter 13 bankruptcy on November 14, 2007.
2. Debtor's Chapter 13 plan was confirmed on March 18, 2008.
3. The Debtor's case was confirmed for 60 months with a 45% repayment to Class Eight general unsecured creditors.
4. Since the confirmation of the Chapter 13 Plan Debtor filed his 2010 Federal Tax Refund and was entitled to receive a refund in the amount of \$1133.00 (See attached Exhibit A – 2010 Tax Return)
5. Debtor's Township has issued a Special Assessment for the paving of his road and he is required to pay a total of \$2152.41. to Liberty Township. (See attached Exhibit B – 2010 Special Assessment Bill)
6. Debtor is requesting the excusal of the remittance of his 2010 Federal Income Tax Refund to pay a portion of the Special Assessment to Liberty Township.
7. The excusal of his 2010 Tax Refund will result in the Class Eight General Unsecured Creditors receiving 85% of their duly filed claims instead of the 94% which the case is presently running. Classes One, Two, Three, Four, Five, Six and Seven will not be affected as there are no creditors in these classes.
8. Further, Debtor was placed on Long term Disciplinary Layoff from his employer from September 13, 2011 until October 13, 2011 with no pay and therefore was unable to make his Chapter 13 Plan payments during this period of time. (See attached Exhibit C – Long Term Disciplinary Layoff – Sick Leave Abuse Letter from Consumers

Energy)

9. Debtor is requesting excusal of his Chapter 13 Plan payments from September 27, 2011 through October 27, 2011.
10. The excusal of these Chapter 13 Plan payments will result in the Class Eight General Unsecured Creditors receiving 85% of their duly filed claims. Classes One, Two, Three, Four, Five, Six and Seven will not be affected as there are no creditors in these classes.
11. In all other respects, the Order Confirming Plan referred to above shall remain in full force and effect.

Wherefore, debtor requests that this court allow:

1. His Chapter 13 payments be excused from September 27, 2011 through October 27, 2011 and to excuse remittance of his 2010 Federal Tax Refund.

Dated: October 20, 2011

/s/ Marguerite Hammerschmidt
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In Re:

Peters, Thomas

Debtor(s)

Chapter: 13

Case No.: 07-63184

Judge: Tucker

NOTICE OF PLAN MODIFICATION

Debtors, through counsel, Hammerschmidt, Stickrad & Associates, pursuant to LBR 3015-2, and F.R.Bankr.P.3015 (g) states:

Debtor has filed a proposed plan modification with the court requesting that:

1. His Chapter 13 payments be excused from September 27, 2011 through October 27, 2011 and that he be excused from remitting his 2010 Federal Tax Refund to the Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you don't have an attorney, you may wish to consult one.)

If you do not want the court to modify plan as proposed, or if you want the court to consider your views on the request. Within 21 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:
United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Hammerschmidt, Stickrad & Associates, 117 W. Fourth St., Suite 201, Royal Oak, MI 48067

2. Trustee: Tammy Terry, 535 Griswold, Suite 2100, Detroit, MI 48226;
If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the request shall become effective.

A response or answer must comply with F.R.Civ. P.8 (b), (c), and (e).

Dated: October 20, 2011

/s/ Marguerite Hammerschmidt
Marguerite A. Hammerschmidt (P53908)
Attorneys for Debtor
117 W. Fourth St., Suite 201
Royal Oak, MI 48067
(248) 988-8335

United States Bankruptcy Court
Eastern District of Michigan

In re:
Peters, Thomas

Debtor.

Hon; Tucker
Case No. 07-63184
Chapter 13

Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Hammerschmidt, Stickradt & Associates, 117 W. Fourth St., Suite 201, Royal Oak, MI 48067

Tammy L. Terry, 535 Griswold, Suite 2100, Detroit, MI 48226

/s/ Marguerite Hammerschmidt
Marguerite Hammerschmidt P53908
Attorney for Debtors
117 W. Fourth St., Suite 201
Royal Oak, MI 48067
(248) 988-8335

Dated: October 20, 2011

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter: 13
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PROOF OF SERVICE

On the 20th day of October 2011, a copy of the Notice of Plan Modification, Summary of Proposed Modification, Proposed Worksheet (Exhibit A), Proposed Liquidation Analysis (Exhibit B), Plan Calc II (Exhibit C), 2010 Federal Tax Return, 2010 Special Assessment from Liberty Township, Letter from Consumers Energy for Long Term Disiplinary Action and this Proof of Service were mailed by first class service by placing in a United States Mailbox in the City of Southfield to the following:

U.S. Trustee, 211 West Fort Street, Suite 700, Detroit, MI 48226;

Tammy Terry, 535 Griswold, Suite 2100, Detroit, MI 48226;

All Creditors on the Attached Court Matrix;

_____/s/ Jennifer Wzacny

Jennifer Wzacny, employee of

Hammerschmidt, Stickradt & Asso.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

In Re:

Peters, Thomas

Chapter: 13
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Judge: Tucker

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ORDER MODIFYING DEBTOR'S CHAPTER 13 PLAN

A Notice of Proposes Modification to Chapter 13 Plan was filed and served on all parties pursuant to LBR 9014; and the Court having found that no objections were received and that the plan modifications comply with 11 USC 1325 and 1329:

NOW THEREFORE;

IT IS ORDERED that Debtor's Chapter 13 payments be excused from September 27, 2011 through October 27, 2011.

IT IS FURTHER ORDERED THAT Debtor is hereby excused from remitting his 2010 Federal tax Refund to the Chapter 13 Plan.

IT IS FURTHER ORDERED THAT in all other respects, the Order Confirming Plan, Entered and dated March 18, 2008, as last amended, shall remain in full force and effect.